

The Salisbury Commoners.

BY

P. A. TRUE.

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BY P. A. TRUE.

Mr. President, Members of the Town Improvement Society of Amesbury, and Guests,—Ladies and Gentlemen :

I have been asked to speak to you to-day on 'The Commoners of Salisbury'. Who they are. What are their rights? How came they into existence? How came they into possession of common land? and *Do they own Salisbury Beach?* This is a momentous question, and although it takes days and weeks and years of research and study to prepare a paper like this, it is perfectly plain when you get there. There is nothing private about it. It is all public, as I will endeavor to show you.

The commoners of Salisbury were the first settlers of the town, and came into existence in 1638, and do exist as such at the present day. At the above date 12 men received from Massachusetts Bay Colony a grant of land with exclusive rights. No title to-day could be given more complete. The grant provided for them to take possession of the land and do just what they were a mind to with it, and for their increasing their number as they saw fit. The commoners were then the town, the freemen, the freeholders, the five men, the seven men, the people, and in fact they were everything.

When our ancestors came to America it was the duty of the 'Great and General Court' to grant township rights to individual men, as proprietors and grantees of the soil in fee, to hold as tenants in common the township thus granted. A great proportion of the land of Massachusetts and Plymouth colonies were originally granted by the colony legislatures in this way. As the grantees sold off, or set off in severalty, lots and parts of their town, they remained proprietors in common of the residue not sold or set off, and so they have continued, till in some towns there is a small residue left, held undivided by the original grantees, their heirs and assigns, and in some towns no residue, and where there is none there ceases to be any proprietors or commoners. See "A General Abridgement and Digest of American Law by Nathan Dane, L. L. D., Vol. 11, Chap. 68," and "Art. 4, Mass. Colony Law, Sect. 5, Essex, Mass., S. J. Court, Adams vs. Frothingham," and 3d Mass. Reports 352.

As these legislative townships have always been construed as tenancies in common, on the death of a proprietor his heirs have come in to be proprietors of his undivided part whenever he has not devised it, and died seized intestate, but if devised his

devises have come in. A proprietor also has the power and right to sell and convey by deed his undivided part in such common and undivided lands. The commoners also have the power and right to sell and convey their lands as a corporation, under a special law, and can sue and be sued as such.

In 1638 twelve men petitioned to the general court for a plantation at Merrimack, and received the following grant, taken from Ancient Archives of Boston :

"1638, 6, Sept., Mr. Bradstreet. Mr. Dudley, junior. Capt. Dennison. Mr. Clark of Newbury. Mr. Woodbridge. Mr. Battye. Mr. Batter. Mr. Winsley. Hen. Bilye. Giles Firman. Richard Kent and John Sanders are allowed (upon their petition) to begin a plantation at Merrimack. and shall have liberty to associate to them such others as they can agree upon ; and if any difference fall out amongst the planters about the seate of their towne, or receiving of other associates or allotments of lands, that then this Court or the Council shall set order in it."

After receiving this grant they immediately took possession of the land and began the work of laying out public highways, docks and landings, commons and training fields, sites for meeting houses, school houses, saw mill and grist mill privileges, etc. Their principle subsistence was fish and clams, and their first road was laid out on the borders of the upland and salt marsh. This circular road was the first road laid out, now called Mudnock road, and so on up past the square and down towards the Beach and the clam flats. The land within this circular road, or a portion of it, was reserved for the use of the public, on which later stood the meeting house and court house, the stocks and whipping post, the garrison house and pound—a happy combination, which covered all the civil, political and religious rights of the people.

Their next business, which was one of great importance, was the laying

out and setting off to themselves houselots, which was all done in six months and prior to 1639, month, when we find recorded the port of sixty houselots laid out, containing from one to four acres each all located round this circular road and butting on the green, and so on past the square, etc. It was necessary that these houselots should be near together as possible to protect each other, and also to receive shelter at the garrison, in case any trouble should occur with the Indians. I imagine for a moment sixty houses located on the Mudnock road and so on up past the square, with garrison house, whipping post and stocks on the other side. I have description of the sixty houselots that were granted at that time, and a part of the same very carefully drawn. Some of the lots are very easily located, and others are not so clear in their description, being bounded perhaps one by the other or by so many marks that do not exist to-day. I have read the description of one or two of those sixty houselots, which include the land where we now are.

No. 28. "According unto the division of land there was granted unto Christo. Batt four acres for house lot. Butting upon ye west side of ye highway leading to ye new Creek, and upon ye east side of W. Sargent's 1 acre lott, and upon north side of his own meadow lot with 2 islands of upland in meadow. Also 20 acres of meadow six of it lying agt. his House lott the town creek."

No. 27. "Samuel Winsley 4 acres lying between ye house lots of Geo. Carr and the Highway leading to new Creek."

"Mr. Francis Dow 4 acres more less, lying between the house lots Robt. Ring on ye South and John Sanders on the North, butting upon ye east side of the green."

"Henry Biley 4 acres, lying between the house lots of Robt. Ring on ye South and John Sanders on

North, butting upon ye east side of ye green."

Immediately after their houseslots were granted they began to divide up their plantation, and in "1639, the third mo.," we find them "At a meeting at Merrimack of Mr. Simon Bradstreet, Mr. Samuel Dudley, Mr. Daniel Dennison, Christo. Batt, Samuel Winsley, John Sanders and others." "It was ordered that their shall be two divisions of meadow, the one nearer, the other farther." "It was further ordered that upland for Planting lots shall be divided, so that he that hath under 50 li. shall have 4 acres, and he that hath above 50 li. to 150 li. shall have 6 Acres, and all above shall have 4 Acres to every 100 li." "Also, it was ordered that all lots granted to singlemen are on condition that they shall inhabit here before the 6 of May next, and such as have families, that they shall inhabit here before October next."

About this time they took fresh courage and pushed back into the wilderness, as a large number of lots were granted west of the Powow river, and large tracts of land laid out towards Hampton bounds. This plantation granted at Merrimack, like all early grants, was without bounds, and for fear of encroaching upon the bounds of the adjoining towns we find a committee appointed as follows: "X month 1640. It is ordered pr. the company yt. Christo. Batt, Samuel Winsley, Tho. Macie, * * * * Shall within 10 days strike a line next to Hampton and give an account thereof, allowing 2s. 6d per day," and Nov. 20, 1640, a committee was chosen to strike a line between Salisbury and Pentucket, now Haverhill. "It was further ordered yt. no person shall fell a tree on anie highway or Street in ye town, or on ye Green, upon ye forfeit of 20 sh., Except he be allowed p. the freemen." In 1641 the largest island in Merrimack river was granted to George Carr to make use of in maintaining his ferry across the river, and "12th, 11 mo., 1641, a way was layed out four rods

in breadth from ye River Merrimack Northward next to ye lands of Thomas Bradbury," to ye Green. This was no doubt the road to Carr's Ferry, which was maintained until the Essex Merrimack bridge was built in 1793, a period of upwards of 150 years.

Up to 1641 there were no mills for grinding corn or mills for sawing boards and lumber. So we find in 1641, 3d mo., a grant of 60 acres of land to Abraham Morrill and Henry Saywood as near the falls as may be convenient to set up a corn mill, with sufficient capacity to grind all the corn the town shall need. Also to Will. Osgood there was granted for building a saw mill fifty acres of upland and ten acres of meadow. At ye same meeting 300 acres of land were ordered to be enclosed for an ox common. Also to Will. Worcester, their pastor and teacher, we fear his rates came in rather slow, as they granted him 200 acres of land, and later, 1643, a grant of 70 acres was made to Mr. Worcester. In 1658 other planters had settled in town, and to encourage them 500 acres of land were granted to non commoners.

Large divisions of land were from this time forward laid out and subdivided into 61 or more lots, and assigned one lot to each of their number, and one lot in each division for the use of the ministry, from whence came our parsonages of to-day. The thirteenth lot in the cow common division was laid out for the use of the ministry. The wood that warms our church to-day is cut from this lot. The eleventh lot in the mill division was laid out for ye use of ye ministry, and contained 45 acres. Eighteen acres were cut off by the state line in 1742 and fell into South Hampton, N. H. The following are some of the divisions laid out: Batt's Hill division, Goodale Swamp division, Barbaries Meadow division, Higgletpiggleties division, called now the Pickleties.

In about the year 1700 the citizens of the town became so populous that

separate meetings were held, the citizens under the name of The Inhabitants of the Town, and the commoners under the name of The Proprietors or Commoners of the Town, and have so continued from that time to the present day. Thus it will be seen that during the period of some sixty years, from 1638 to 1700, the commoners had jurisdiction over the town with but a few exceptions. To choose a representative a special "meeting of the Freeholders and other Inhabitants of the Town qualified as the law directs," was held under a warrant issued by "the Sheriff of the county." And so the commoners continued year after year to look after their affairs, to improve, divide and set off their lands, either among themselves or for the benefit of the public, and to look after encroachments on the highways, and also encroachments by the adjoining towns.

In 1701 we find the commoners of the town of Salisbury under an order to perambulate the line between "their town" and the town of Hampton, by an act of general court held at Boston. The following is a record of the meeting which was accordingly held:

"At a meeting of ye Commoners of ye Town of Salisbury Maj. Pike was chosen moderator for ye present meeting. Left. Nathaniel Brown, Mr. John Wadleigh and Jarvis Ring were chose a Committee for to joyne with Hampton men, (according to their request), for to perambulate and run ye line between Hampton and Salisbury, according to ye act of ye Gen'l Court, according to ye Antient Bounds, and where they cannot be found to make new, and we doe fully empower ye above sd. Left. Nathaniel Brown, Mr. John Wadleigh and Jarvis Ring as aforesaid, to agree and finally to renew and settle ye sd. bounds according to ye antient Bounds or settlement thereof, and to make a return of their acting thereon or about, yt. so itt may be entered into ye towns Book, and what they shall agree and conclude upon, we doe hereby ratify and confirm."

The right to set up a fulling n was granted by the commoners 1702 as follows:

"Att a genell meeting of ye Freeholders ye Comrs. of ye Town Salisbury, ye 22d of December, 1702 Mr. Isaac Morrill, Sec., was chosen modr. for ye present meeting.

To the Commoners now me The Request of Benjamin Eastman that you would be pleased to grant him the Rite in the Streame betwe the mill now in possession of M March, Thos. Carrier and Jacob Morrill, and to give him leave to improve lower Rods of land adjoyin to S Streame, he doing no damage to Highway nor infringing on any particular mans Rite. He Ingageing erect a fulling Mill on said Streame and to full this Towns Cloth bef any other towns, they paying as ot towns doe.

The proposition a Bove sd. granted as above sd. So Longe the sd. Eastman performs the Conditions and no Longer. Vo on ye affirmative.

Isaac Morrill, Moderator

A vote of the commoners to out two divisions of land, one of land and one of meadow.

"Att a genell meeting of Townsmen Comrs. of ye Town Salisbury, Dec. 30, 1702, Isaac Morrill, Sec., was chosen moderator ye present meeting. At ye sa meeting voted That where as it ordered to lay out a tract of Land: meadow, which Lays from Pateri Bridge and so upon a straight l Forty rods to the Southerly end ye Gravely Ridge Division, according to sd. vote, It is ordered t the men hereunder named, are pointed and chosen to proportion and Lay out the Sd. meadow: Land forthwith. The meadow one division and the upland another, and each division to Layed into fifty nine equal proportions according to the number of Ancient Rites. As neere for quan and quality as they can, the sd. n

lay out convenient highways in
land and meadow. The sd. men
when they had laid out sd. land and
adown, to give the Proprietors no-
thereof so yt. they may meete to-
ber to draw Lotts for ye same.
e men that are appointed and
osen to the above sd. saivis are
nely, Capt. True, Lieut. Brown,
Isaac Morrill, Sargt. Jos. True,
Ephram Winsley, or any three
e sd. men agreeing to lay out ye
ne."

The 26th of April, 1712, a school-
se lot is granted for the use of the
vn.

At a meeting of ye Proprietors In
union of ye Town of Salisbury, April
1712. Att ye same meeting. The
petition or Request of the Subscrib-
to the Proprietors in Common now
is that they will be pleased to grant
liberty for the setting up a small House
a School House on sum part of their
unon land, not dammityng the high-
where John Merrills, Henry True, Jos.
on, John Meh. Jr., In behalf of them-
selves and neighbors. Voted on the af-
fative.

Isaac Morrill, Moderator."

In 1702 we find a committee
osen by the commoners of 5 menn
make returns of such Lands as
e been granted and layed out in
township of Salisbury, and not yet
urned into ye towns Book of Salis-
y, any 3 of them agreeing."

The ox common was laid out and
ided in 1702. This was called
Great Neck Division.

In 1704 the Cow Common Divis-
was laid out, allotted and as-
ned.

In the report of the commoners'
mmittee chosen 1717, we find that
rly all the common lands of the
vn had been laid out, allotted and
igned, or held by them in reserve,
excepting the Pines at the Beach,
lands at Little River, which
uld not admit of a general divis-

In 1734 some of the commoners
egan to feel uneasy about the Beach
wanted it divided. But they

voted no, as follows:

"Att a meeting of ye Commoners of ye
Town of Salisbury—April 30, 1734. Capt.
Jeremiah Stevens was chosen moderator.
Nathaniel Brown was chosen Commoners
Clerk for ye year ensuing. Att ye same
meeting ye Question was put whether ye
Beach from Merrimack River to Hampton
should be laid out, and it passed on the
negative, yt. itt should not be laid out.
Att ye same meeting, it was voted yt.
Nathl. Brown shall have ye liberty to
mow ye Beach Grass, growing upon ye
Beach from Merrimack River to Hampton
River, for ye year ensuing, he paying un-
to ye Commoners, ye sum of 6 pounds and
5 shillings. And further he is empowered
by ye Commoners to take care of ye Pines
upon sd. Beach, yt. they are not cut down,
nor destroyed nor embazzled by any per-
son or persons yt. shall presume so to do.
Also, he is alike empowered to take care
of ye Rocks at Black Rocks, near ye Mer-
rimac River's mouth, and to prosecute in
ye law any person yt. shall presume to
take any of them away."

At the Commoners' meeting, June
28, 1735:

"Att the same meeting it was voted that
there shall be a burying place Laid out ad-
joining to the Land which Moses Merrill
bought of James French, between the road
leading to Hampton and the road leading
to the Plains not Damming and pinch-
ing sd. highways. Voted, that Sanders
Carr, Moses Merrill and Thomas Brad-
bury shall Lay out sd. burying place."

REPORT OF THE COMMITTEE.

"We the subscribers appointed by the
Comms. of the Town of Salisbury to Lay
out a burying place In the pitch pine plain
so called In Salisbury near to Mr. Moses
Merrills house, In pursuance of which we
have Layed it out, In manner and form
following viz: In the croch of the ways
viz: the cuntry road leading to Hampton,
and the Hiway leading from the old Town
to the Plains. We began at the South
West corner of Moses Merrill's land, run-
ing Easterly by his land 12 rods and 6 feet
to the Contry road aforesd. runing south-
erly 12 rods by sd. road to a stake leaving
the way 4 rods wide, and runing westerly
4 rods to another stake set down by the
highway Leading to the Plains and so up
along by sd. way to sd. Merrills Southwest
corner, first mentioned, and this is our re-
turn. Witness our hands July 12th, 1736.

SANDERS CARR,
MOSES MERRILL, } Comitte.
THOS BRADBURY,

Accepted by Comons. May 16, 1737."

Three years later another meeting was called to divide the Beach common, but they voted no as before, viz: "Att a meeting of ye Comrs. of Salisbury—May 16, 1737. Deacon Jabez True was chosen moderator. Att the same meeting ye Question was put whether ye Beach Bank and ye land where ye Pines stand should be laid out and divided, and it passed on ye negative, yt. it should not be laid out nor divided."

That heavy growth of pine timber standing on the north end of the Beach was a very desirable one, and the next year they called another meeting, Jan. 4, 1738. "To divide the land at ye Beach where the Pines stand, either ye whole or any part, laid out into lots, and it passed on ye negative, yt. it should not be divided, neither ye whole nor any part laid into lots." "Att ye same meeting, voted That Deacon John Merrill shall have ye Barbaryes growing on ye Beach between Hampton River and Merrimack River for three years next ensuing for 3 pounds, he paying In to Nathl. Brown, Comrs. Treasurer, ye sum of 20 shillings p. year for ye Commoners use."

Such is the way and manner the commoners managed their property and affairs, and for the special law under which they acted (See the Ancient Charters and General Laws of the Colony and Province of Mass. Bay, Chap. 12, p. 120.) "Be it ordained and enacted etc., That the Proprietors of undivided or Common Lands within each Town and Precinct in this Province where the same have been heretofore stated, each one's proportion being known, shall and are hereby empowered to order, improve or divide, in such way and manner as shall be concluded and agreed upon by the major part of the interested. And the Proprietors of all undivided or common Lands not stated and proportioned as aforesaid, shall and hereby are empowered to

manage, improve, divide or dispose of the same as hath been, or shall be concluded and agreed upon by the major part of such Proprietors." Later on, To prevent all citizens from becoming proprietors and commoners the general court passed a law May 30, 1660. "That no Cottage or Dwelling Place in any Town, shall be admitted to the Privilege of Commonage of Woods, Timber and Herbage, or any other the Privileges which lie in common in any Town or Peculiar, other than such as were erected or privileged by the Grant of such Town or Peculiar."

"Also to prevent the Proprietors themselves from getting more than their share of the Wood, Timber and Herbage, on, their Common lands Be it enacted, etc. An act in further addition to an act made in the first year of His present Majesty's Reign, entitled, An Act to prevent Coparceners, Joint Tenants and Tenants in Common, from committing Strip and Waste upon lands by them held in common and undivided."

I have made the assertion that the commoners can sue and be sued. (See Chap. 5, p. 60.) "Be it enacted and declared by the Governor, Council and Representatives, in General Court Assembled, and by the Authority of the same, That it shall and may be lawful for all and every the said Persons and Proprietors in Common and Undivided Lands, to sue, commence and prosecute any Suits or Actions in any court proper to try the same, either by themselves or their Agents or Attorneys, to be appointed by such as have in them the major part of the interest. And in like manner, to defend all such suits and actions as shall be commenced against them or any of them."

I have said in my introduction that when a proprietor died his share or his right of commonage was exclusive and descended to his heirs.

"And be it further enacted by the Authority Aforesaid, That in all cases

where it is alleged, that the deceased died seized of some Rights of Land, or Commonages, the same being a Real Estate, Administration shall not be granted thereon, but the same descends and belongs to the heirs of the deceased, so such Heirs and they only, shall demand, prosecute or sue for the same, Any Law, Usage or Custom to the contrary notwithstanding."

As the commoners of Salisbury is the only corporation of its kind now known to exist within the Commonwealth of Massachusetts, do not think for a moment that all these laws were made for the commoners of Salisbury, for they were not. They were made for the governing and well ordering of all the earlier towns of the state. In Pentucket, now Haverhill, there were fifty commoners, and Chase says in his History of Haverhill that they were the original grantees of the town,—and years afterward frequent disputes arose between the commoners and non commoners, which sometimes led to bloody noses and shaded eyes.

The commoners of Haverhill held meetings for many years, as there are now three large books containing 260 pages each filled with their proceedings. They held their last meeting Oct. 10, 1763.

In Felt's History of Ipswich we find, "1678. June 9, It was decided by a majority of the Commoners that in absolute grant of all their interest, real and personal, as Commoners, be made to the town of Ipswich, for the purpose of paying its debts. Such a grant was worth about £600. Thus a body of 203 Comrs. disserved, similar to others, which have existed in all our towns."

One hundred and thirteen commoners of old Newbury closed their books in 1848 after selling Plum Island to Moses Pettengill, Esq., whose heirs are now in quiet possession.

In Gloucester there were 170 commoners, and they sold their sand banks to Peter Coffin for \$400, and held their last meeting June 3, 1820, and in Woburn they continued their meetings to 1765.

Lynn had 102 commoners, which included their pastor and teacher, and in the ancient town of Plymouth 201.

Salem in 1637 was held by commoners, among them were Thomas Gardner and John Endicott. "In 1713, Nov. 13, the commoners of Salem voted that all the highways, burying places and common lands lying within the town bridge and block houses, shall be for public use, and that the common lands where the trainings are generally kept shall be forever as a training field for the use of Salem."

In the town of Boston, 1646, "All persons admitted to inhabit here are to have equal rights of commonage, all admitted hereafter not to have that right."

There were 60 commoners in Salisbury, and in 1654 they voted that thirty families should remove west of the Powow river. Eighteen of them were commoners, which was increased to twenty-six when Amesbury became a town. To-day there are about forty commoners' rights or shares in Salisbury, or to be exact, 39 2-3 rights, the other 2 1-3 rights are lost or have been absorbed by the company.

The value of these rights of commonage were not considered very valuable in early times. In 1654 we find that George Martyn sold his right of commonage in Salisbury to John Maxfield for a heifer. The commoners' right of the estate of Ezekiel Evans in 1820 was prized \$8.00. Within fifty years they have been sold for \$60 per right, and to-day they are worth \$600 per right, a very rapid gain within the past few years, and there are none to be bought at that price.

What is the vital chord in these commoners that has called them to-

gether year after year? It is this Beach! Here is a small residue left undivided, owned by the commoners of Salisbury, who were the original owners of the whole town. They have held their meetings and managed their own affairs from the time they landed down to the present day, even when the property was not scarcely worth anything they continued through all the early years of Salisbury the bulwarks of her strength. After all the available land had been divided and allotted, or held by them in reserve or for the use of the public, for a period of some 125 years the commoners met only to sell the grass growing on the Beach and in the Pool, the amount of money received being very small, yet it was a sufficient stimulus to call them together. In 1820 there was divided \$1.03 to a right. The selling of sand at the mouth of the Merrimac river to Boston parties and taken away in vessels since about 1835-40 has been quite a source of income. But not until the year 1866 did the revenue begin from the rentage of land. The first house was built on Salisbury Beach in 1864 by Amesbury parties, and in 1865 the attention of the public was drawn in that direction, and in 1866 the plank road was built and a large number of house lots rented. From that time to the present time lots for building purposes have been in constant demand, and at the present time there are some 350 lots under lease, with half as many houses erected. At first a cheap house was built by way of experiment, and since then, year by year, better and more costly houses have been erected; and the commoners of to-day have regained their former strength. "All things grow old and die," but the commoners are not going to die. The first commoners' meeting I attended was held in a barn. The commoners of to-day hold their annual meeting on the first Thursday of June in every year, under a seven

days' notice from the common clerk. The officers elected a clerk, treasurer and collector, a executive committee and an audit accounts. The officers of the present year are P. A. True, clerk, P. Moulton, treasurer and collector. Hon. E. P. Shaw, D. M. Deal, J. M. Eaton, executive committee and Lawrence B. Cushing, and In 1880 E. T. Northend built a plank road from the Black Rocks to the plank road, which proved a great investment, and after two or three years E. P. Shaw bought a controlling interest in the road and built a wharf at Black Rocks for a landing and in connection with his steam boat on the river, did a thriving business for several years, when in 1888 extended the horse railroad from Beach up to the Salisbury depot. The next year to Amesbury and Northhill and Newburyport. This road like the Beach road, has done an extensive business and been a great accommodation to the traveling public.

The commoners of to-day deserve especial respect, in that they plan and matured this town. There are great possibilities before them. There is nothing on this coast like this institution. The kind of men who planted Salisbury were the best in New England, and the present commoners of to-day are the legitimate and in some instances, lineal descendants of the originals.

I will give an instance of the regular descent of a commoner's right to the present day: 1st, Francis Dow, one of the sixty originals, his son and heir, Peter Dow; Peter Dow to Timothy Lindall, merchant, of Salem; 3d, Timothy Lindall to Capt. Henry True of Salisbury; 4th, Capt. Henry True to son, Dea. Jabez True; 5th, Dea. Jabez True to his son, Dea. Samuel True; 6th, Dea. Samuel True to son, Elder Jabez True; 7th, Elder Jabez True to his son, Dea. Jabez

True; Sth. Dea. Jabez True to his son, P. A. True, who is now in possession of said right free and clear of all incumbrances.

The title of commonage or a commoner's right passes from one person to another by deed or will, or descends from father to son, just the same as any real estate wherever located. I will read a deed of a commoner's right from Timothy Lyndall to Capt. Henry True, dated Nov. 19, 1677.

To all Christian people vnto whome this present writting shall come Timothie Lindall of ye town of Salem in ye county of Essex Massachusetts colony in New England merchant sendeth greeting now know ye yt. I ye said Timothy Lindall for & in consideration of ye full and just sum of twenty & eight pounds sterlin to me in hand payd & securd at yesingning & sealing of these presents by Henry True in full satisfaction & for divers other good and lawfull considerations me there vnto moveing have given granted bargained sould enfeofued alienated & confirmed & by these presents do fully clerely & absolutely give grant bargain sell alienate enfeofue & confirm vnto ye sd Henry True all yt. my township or common right belonging vnto me within ye township of Salisbury which did formerly belonge vnto Mr. Frances Dowe as by the towne records doth appere & sould vnto me the said Lindall by Peter Dowe Esqre & son & heire vnto ye sd. Frances Dowe together with ye four acre lott of salt marsh belonging to ye cowcommon with al other divisions of lands of what sort so ever not yett layd oute any ways vnto ye sd. commonage and shares or belonging. To have and to hold the said township or comon right with ye four acres of salt marsh vnto ye sd. cowcommon granted as p. records itt doth appere with al other grants of what sort so ever not yett layd out vnto ye sd. comon right belonging as a foresaid vnto ye sd. Henry True & to ye sole & proper use & behofe of him ye sd. Henry True his heires & assignes as good firm sure & absolut estate of inheritance in fe simple for ever by these presents and I ye sd. Tim Landdall for my self my heires executors & administrators do covinant promise and grant to & with ye sd. Henry True his heires & assignes yt. ye sd bargained premises is clere & tre & iurely & clerely exonerated of charges & acquitted of from all former giutis grants bargain

sales alienations changes dowries extants judgments executions & al other incumbrance what so ever and I ye said Tim Landall for my self my heires executors & administrators do hereby & shall from time to time & at al times here after warrantiz & mainetaine the sd. bargained & sould & by these presents given & granted premises against al & all manner of person or persons what so ever havinge claymeing or pretending to have any just right title or intres vnto ye sd. bargained premises or any part or parcell there of for ever by these presents vnto ye sd. Henry True his heires executors administrators & assignes for ever. For wittnes where of I have here unto sett my hand & seale this fifth day of September one thousand six hundred seventy seven. It is also agreed upon yt. if ye lot called ye higlypigly which was formerly ordered to be layd out for the use of ye above sd. Dowe can't be recovered by ye sd. True then ye sd. Lindall is to pay or discount with ye sd. Henry True eight pounds upon his bill payed to ye sd. Lindall.

TIMO. LANDALL

This writting was acknowledged by Timothy Lindall to be his act & deed this 7th of November 1677 be fore me Simon Bradstreet assistant.

Mary Lindall acknowledged ve above written conveyance was don with her fre consent and concurrence be fore me Bartho. Gedny Commissioner, 21 November. 1677.

Signed sealed & delivered in the presence of us John Severence John Michell.

Entered & recorded in ye county records for Norfolk (lib. ye 3d. pag. 68, ye 19th day of November 1677 sd. Attest Tho. Bradbury rec.

Now, ladies and gentlemen, I hope I have made the description of the commoners of Salisbury clear to you. Who they were and who they are to-day, how they came into existence and how they are existing to-day, how they managed their affairs and how they are being managed to-day, how the title of descent passed from one person to another and how it is passed to-day, that they did own the beach in 1638 and that they do own it to-day in 1896. Now, ladies and gentlemen, it is nothing more than just that the people of the present generation should have a tender regard, a

high esteem and great respect for the fathers of the town—the commoners of Salisbury, in whom the title of every foot of land within the ancient boundaries of the town is vested. We, therefore, should strive to emulate them, that this grand civilization may go down to our children and our children's children to the day.

P. A. TR

Salisbury, Mass.

